

Bryan Caforio (261265)  
Lora J. Krsulich (315399)  
SUSMAN GODFREY L.L.P.  
1900 Avenue of the Stars, Suite 1400  
Los Angeles, CA 90067-6029  
Telephone: (310) 789-3100  
Facsimile: (310) 789-3150  
Email: bcaforio@susmangodfrey.com  
Email: lkrsulich@susmangodfrey.com

John J. Davis, Jr. (65594)  
David L. Barber (294450)  
MCCRACKEN, STEMERMAN, HOLSBERRY, L.L.P.  
595 Market Street, Suite 800  
San Francisco, CA 94105  
Telephone: (415) 597-7200  
Facsimile: (415) 597-7201  
Email: jjdavis@msh.law  
Email: dbarber@msh.law

*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

UNITED ASSOCIATION OF JOURNEYMAN  
AND APPRENTICES OF THE PLUMBING  
AND PIPE FITTING INDUSTRY,  
UNDERGROUND UTILITY/LANDSCAPE  
LOCAL UNION NO. 355; MIGUEL INIGUEZ  
and FELIPE HERNANDEZ, as Local 355  
Trustees; and ALEJANDRO TREJO,

Plaintiffs,

v.

MANIGLIA LANDSCAPE, INC., COHEN  
LANDSCAPE SERVICES, INC., LANDSCAPE  
CONTRACTORS COUNCIL OF NORTHERN  
CALIFORNIA, BARRY L. COHEN, LINDA G.  
ROSSMAN, OSCAR DE LA TORRE, DOYLE  
RADFORD, DAVID GORGAS, BRUCE RUST,  
FERNANDO ESTRADA, BYRON LONEY,  
ROBERT CHRISP, BILL KOPONEN, LARRY  
NIBBI AND MANUEL DE SANTIAGO, AS  
TRUSTEES OF THE LABORERS TRUST  
FUNDS FOR NORTHERN CALIFORNIA;  
NORTHERN CALIFORNIA DISTRICT  
COUNCIL OF LABORERS; AND DOES 1  
THROUGH 50,

Defendants.

Case No. 17-CV-3037-RS

**JOINT STIPULATION AND  
~~PROPOSED~~ ORDER TO CHANGE  
CASE SCHEDULE AS MODIFIED BY  
THE COURT**

1 In order to facilitate the parties' settlement negotiations and Plaintiffs' attorney's  
2 upcoming paternity leave, Plaintiffs and Defendants hereby stipulate pursuant to Local Civil  
3 Rules 6-2 and 7-12 to change the summary judgment briefing schedule and trial date as follows:

4 WHEREAS, the January 7, 2019, case scheduling order set October 3, 2019, as the  
5 deadline to hear dispositive motions, thus requiring opening summary judgment briefs be filed  
6 on or before August 29, 2019, and set the trial date for February 10, 2019, (ECF No. 161); and  
7

8 WHEREAS, on June 27, 2019, the Court referred the parties to Magistrate Judge Corley  
9 to schedule a settlement conference within 90 days thereof, (ECF No. 242); and

10 WHEREAS, the parties scheduled a settlement conference with Magistrate Judge Corley  
11 for August 27, 2019, with settlement conference statements due on August 26, 2019, in which  
12 the parties intend to participate in good faith and in an effort to resolve the claims in this case;  
13 and  
14

15 WHEREAS, the parties believe that they will be able to more fully participate in the  
16 settlement conference without simultaneously needing to prepare opening summary judgment  
17 briefs due two days after the settlement conference; and

18 WHEREAS, lead trial counsel for Plaintiffs is expecting the birth of his first child in late  
19 December or early January and plans to take paternity leave after the birth that conflicts with the  
20 current February 10, 2020, trial date; and

21 WHEREAS, the parties believe that modifying the case schedule as set forth below  
22 would be in the interests of judicial efficiency; and  
23

24 WHEREAS, the prior extensions in this lawsuit are: (1) Stipulation to Extend the Deadline  
25 for Contractor Defendants to Respond to the First Amended Complaint (ECF No. 26); (2) Stipulation  
26 to Extend Time for Plaintiffs to Respond to Defendants' Motion to Dismiss (ECF No. 41); (3)  
27 Stipulation to Extend Time for Plaintiffs to Respond to the Laborers Defendants' Motion to Dismiss  
28

1 and for the Laborer Defendants' Reply (ECF No. 84); (4) Clerk's Continuance of the Initial Case  
2 Management Conference (ECF No. 108); (5) Stipulation to Extend Time for Defendants to Respond  
3 to Plaintiffs' Motion for Leave to File Fourth Amended Complaint (ECF No. 197); (6) Notice of  
4 Unavailability of Defendants' Counsel (ECF No. 226), and Counsel's subsequent request to continue  
5 the June 20, 2019, discovery hearing date (ECF No. 233); and (7) Order by Magistrate Judge Beeler  
6 continuing a discovery hearing from July 18, 2019, to July 25, 2019 (ECF No. 270).

7  
8 THEREFORE IT IS HEREBY STIPULATED AND AGREED TO BY THE PARTIES,  
9 through their respective legal counsel:

10 (a) Opening summary judgment briefs are due on or before October 4, 2019;

11 (b) Summary judgment opposition briefs are due on or before October 25, 2019;

12 (c) Summary judgment reply briefs are due on or before November 7, 2019;

13 (d) The hearing date and time for any motion for summary judgment filed on or before  
14

October 4, 2019, is November 21, 2019, at 1:30 p.m.; and

15 (e) The case is set for trial on ~~or after~~ March 30, 2020.

16 (f) The final pretrial conference will be held on March 18, 2020.

17 Dated: August 21, 2019

18 /s/ Bryan Caforio

Bryan Caforio (261265)

19 Lora J. Krsulich (315399)

20 Susman Godfrey L.L.P.

21 John J. Davis, Jr. (65594)

22 David L. Barber (294450)

McCracken, Stemerman, Holsberry, L.L.P.

23 *Attorneys for Plaintiffs*

/s/ Concepción E. Lozano-Batista

Antonio Ruiz (155659)

Caren P. Sencer (233488)

Concepción E. Lozano-Batista (227227)

Weinberg, Roger & Rosenfeld

*Attorneys for Defendant Northern California*

*District Council of Laborers*

/s/ Michelle Q. Carter

Michelle Q. Carter (184005)

Carter Carter Fries & Grunschlag


*Attorneys for Barry Cohen, Cohen Landscape  
Services, Inc., Maniglia Landscape, Inc.,  
Landscape Contractors Council of Northern  
California*

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/s/ *Bryan Caforio*

DATED: August 21, 2019

  
Honorable Richard Seeborg  
United States District Judge